

EXHIBIT 54

Eric Quitugua
9/17/2024

<p>1 UNITED STATES DISTRICT COURT 2 SOUTHERN DISTRICT OF NEW YORK 3 4 SECURITIES AND EXCHANGE) COMMISSION,) 5) 6 Plaintiff,) 7) Case No. 8 vs.) 23-cv-9518-PAE 9) 10 SOLARWINDS CORP. and) 11 TIMOTHY G. BROWN,) 12) 13 Defendants.) 14 _____) 15 16 VIDEOTAPED DEPOSITION OF 17 ERIC QUITUGUA 18 Austin, Texas 19 Tuesday, September 17, 2024 20 21 22 23 24 Reported by: 25 Micheal A. Johnson, RDR, CRR Job No. 240917MJ</p> <p>1</p>	<p>1 APPEARANCES: 2 ON BEHALF OF PLAINTIFF: 3 U.S. SECURITIES AND EXCHANGE COMMISSION BY: John J. Todor 4 Kristen M. Warden Christopher J. Carney 5 Lory C. Stone (Via Zoom) Christopher M. Bruckmann (Via Zoom) 6 100 F Street, NE Washington, D.C. 20549 7 (202) 256-7941 todorj@sec.gov 8 wardenk@sec.gov carneyc@sec.gov 9 stonel@sec.gov bruckmann@sec.gov 10 11 ON BEHALF OF DEFENDANTS 12 SOLAR WINDS CORP. AND TIMOTHY G. BROWN: 13 LATHAM & WATKINS LLP BY: Serrin Turner Nicolas Luongo 14 1271 Avenue of the Americas New York, New York 10020 15 (212) 906-1330 serrin.turner@lw.com 16 nicolas.luongo@lw.com 17 18 ON BEHALF OF DEFENDANT 19 TIMOTHY G. BROWN: KING & SPALDING LLP 20 BY: Michael J. Biles (Via Zoom) 500 West 2nd Street, Suite 1800 Austin, Texas 78701 21 (512) 457-2051 mbiles@kslaw.com 22 23 24 25</p> <p>3</p>
<p>1 UNITED STATES DISTRICT COURT 2 SOUTHERN DISTRICT OF NEW YORK 3 4 SECURITIES AND EXCHANGE) COMMISSION,) 5) 6 Plaintiff,) 7) Case No. 8 vs.) 23-cv-9518-PAE 9) 10 SOLARWINDS CORP. and) 11 TIMOTHY G. BROWN,) 12) 13 Defendants.) 14 _____) 15 16 Videotaped Deposition of ERIC QUITUGUA, 17 taken on behalf of Plaintiff, at Latham & Watkins, 18 LLP, 300 Colorado Street, Suite 2400, Austin, Texas, 19 beginning at 9:08 a.m. and ending at 7:16 p.m. on 20 September 17, 2024, before Micheal A. Johnson, a 21 Registered Diplomate Reporter, Certified Realtime 22 Reporter, and Notary Public of the State of Texas. 23 24 25</p> <p>2</p>	<p>1 APPEARANCES (CONTINUED): 2 ALSO PRESENT: 3 Becky Melton Laurie Hakes 4 5 VIDEOGRAPHER: 6 Timothy Desadier 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>4</p>

<p>1 MR. TODOR: Yeah. Appear to be two 2 attachments. One is labeled SolarWinds SPA backup 3 rev 4, and then the other one is SolarWinds security 4 statement. It appears that the second attachment 5 looks similar to the draft of the public-facing 6 attachment from Mr. Quitugua's October 6th e-mail. 7 BY MR. TODOR: 8 Q. Mr. Quitugua, I'm just asking, does this 9 appear to be an iteration of the security statement 10 that's being circulated to other employees at 11 SolarWinds as of November 7, 2017? 12 A. I -- 13 MR. TURNER: Wait. You see -- he 14 doesn't have the right attachment in front of him. 15 Do you see which one he's referring to? 16 THE WITNESS: There's two of them on 17 here. 18 BY MR. TODOR: 19 Q. The one at the back. 20 MR. TURNER: He's saying -- the one 21 with the blue heading, this -- 22 THE WITNESS: Yeah. 23 MR. TURNER: -- is an iteration of 24 the draft we saw before, right? If you want to take 25 a minute, you can compare the two.</p> <p>153</p>	<p>1 this appear to be another iteration of the 2 public-facing security statement being circulated? 3 (Witness reviews document.) 4 A. Yes, it does appear to be the same. 5 BY MR. TODOR: 6 Q. In looking at the body of the e-mail, 7 there's a statement: This is a SolarWinds security 8 statement that has been approved by legal and is in 9 the process of being made available via the website. 10 Do you see that? 11 A. I do. 12 Q. As of this November 2017 time frame, did 13 you have an understanding of whether the SolarWinds 14 security statement was undergoing approval by the 15 SolarWinds legal department? 16 A. It could very well have been. I don't 17 recall exactly the details around the review. 18 Q. Do you know of anyone else it would have 19 been reviewed by other than Mr. Brown and the legal 20 department? 21 A. My only recollection is that I 22 collaborated with Tim on the content that I provided 23 to him for the security statement. That's -- 24 Q. For review beyond Mr. Brown, did you deal 25 directly with anyone who was doing review of the</p> <p>155</p>
<p>1 A. Can you give me a minute, please, just to 2 kind of look through there? 3 BY MR. TODOR: 4 Q. Please. 5 (Witness reviews document.) 6 BY MR. TODOR: 7 Q. Having reviewed the document, does that 8 appear to be an iteration of the -- 9 A. It appears to be similar to the previous 10 exhibit for the security statement. 11 MR. TODOR: Next document. 12 (Deposition Exhibit 8 marked for 13 identification.) 14 BY MR. TODOR: 15 Q. Mr. Quitugua, you've been handed a 16 document that's been marked as Quitugua Exhibit 8. 17 It's an e-mail Bates SW-SEC00337101 through 109. 18 Appears to be an e-mail from Tim Brown dated 19 November 7, 2017, to a Louise Butler and Tim Drury, 20 subject, re: Hosting Environment. 21 Doesn't appear that your name is on this 22 one, Mr. Quitugua. Let me see if you're later in 23 the chain here. 24 I guess similar to the last question, if 25 you look to the attachment starting at 105, does</p> <p>154</p>	<p>1 document other than Mr. Brown? 2 A. Not that I can recall, no. 3 Q. When you were dealing with Mr. Brown, did 4 he have questions for you about the content in the 5 security statement? 6 A. Again, I -- it's been a while. He may 7 have, but I don't remember. 8 Q. For example -- okay. For example, did 9 Mr. Brown ask you to give more clarity on a certain 10 statement in the security statement in a next draft? 11 A. He -- again, it's been so long. I know 12 we went through a couple of iterations of it via 13 chat or, you know, in person or e-mail, but I don't 14 recall any specifics. 15 Q. Do you recall the kinds of issues that 16 Mr. Brown would focus on in the review of the drafts 17 of the security statement? 18 A. No. 19 Q. Was he -- did he push back on any of the 20 representations in the security statement as to what 21 kinds of things SolarWinds was doing? 22 MR. TURNER: Objection to form. 23 A. I don't recall. I don't recall if he did 24 or not. 25</p> <p>156</p>

<p>1 BY MR. TODOR:</p> <p>2 Q. Did you verify all of the information in</p> <p>3 the draft security statement by going back and</p> <p>4 checking beyond, say, the previous customer</p> <p>5 responses before sending it to Mr. Brown?</p> <p>6 A. I did my best to answer -- or, I'm sorry,</p> <p>7 to add content that was what the organization was</p> <p>8 practicing at the time, right. And that again was</p> <p>9 based off of previous responses that we had given</p> <p>10 which were vetted, previously vetted, or if we</p> <p>11 didn't have previous or canned responses, again,</p> <p>12 reach out to the subject matter experts to ask.</p> <p>13 Q. Did you tell Mr. Brown, when you gave him</p> <p>14 the security statement draft, which statements were</p> <p>15 based on previous responses and which ones were</p> <p>16 based on information you had gone out and gotten</p> <p>17 from somebody else?</p> <p>18 A. I don't recall if I did or not.</p> <p>19 Q. Did you verify all of the information in</p> <p>20 the security statement before you gave it to</p> <p>21 Mr. Brown?</p> <p>22 MR. TURNER: Objection, asked and</p> <p>23 answered. Also object to the form. "Verify."</p> <p>24 A. I did my best to ensure that the content</p> <p>25 in the security statement addressed most of</p> <p>157</p>	<p>1 Q. Did he ever say anything like, No, we</p> <p>2 don't really do that, you have to change that,</p> <p>3 anything along those lines?</p> <p>4 A. I don't distinctly remember him or I</p> <p>5 having that conversation. I don't.</p> <p>6 (Deposition Exhibit 9 marked for</p> <p>7 identification.)</p> <p>8 BY MR. TODOR:</p> <p>9 Q. Mr. Quitugua, you've been presented with</p> <p>10 a document marked as Quitugua 9. Appears to be an</p> <p>11 e-mail Bates SW-SEC00466120 through 142. Appears to</p> <p>12 be an e-mail from you dated December 27th, 2017, to</p> <p>13 Lashanna Martin-Wood. Subject, re: Personal</p> <p>14 security statement for SolarWinds website.</p> <p>15 Security statement for SolarWinds</p> <p>16 website.</p> <p>17 Do you recognize this e-mail, sir?</p> <p>18 A. Give me a few seconds or a minute to read</p> <p>19 the content.</p> <p>20 Q. Please familiarize yourself with the</p> <p>21 document and tell me.</p> <p>22 (Witness reviews document.)</p> <p>23 A. Okay.</p> <p>24 BY MR. TODOR:</p> <p>25 Q. Do you recognize the document, sir?</p> <p>159</p>
<p>1 the -- again, because the intent of the security</p> <p>2 statement was to kind of answer some of those</p> <p>3 customer questionnaires. I focused more on ensuring</p> <p>4 that what we put on the security statement was a</p> <p>5 true representation of what we were practicing at</p> <p>6 the time.</p> <p>7 BY MR. TODOR:</p> <p>8 Q. But for instances where you didn't have a</p> <p>9 pre-existing response to a customer questionnaire,</p> <p>10 did you have personal knowledge sufficient to tell</p> <p>11 whether the information that you were getting from</p> <p>12 wherever you were getting it from was correct before</p> <p>13 you passed it up to Mr. Brown?</p> <p>14 MR. TURNER: Objection to form.</p> <p>15 A. As I described earlier, if we did not</p> <p>16 have a precanned response, right, I reached out, had</p> <p>17 those conversations and then leaned on the subject</p> <p>18 matter experts to give me the response. I had no</p> <p>19 reason to believe that those were inaccurate.</p> <p>20 BY MR. TODOR:</p> <p>21 Q. Did Mr. Brown ever tell you that</p> <p>22 anything -- he thought that anything in the draft</p> <p>23 security statement you sent him was wrong?</p> <p>24 A. Again, I don't recall. It's been so</p> <p>25 long.</p> <p>158</p>	<p>1 A. I do recognize the document, yes.</p> <p>2 Q. Do you recognize this as an e-mail that</p> <p>3 you sent in the course of your duties at SolarWinds?</p> <p>4 A. Yes.</p> <p>5 Q. Why were you sending this e-mail?</p> <p>6 A. We were at the tail end of the process to</p> <p>7 get the actual security statement published to the</p> <p>8 website and this was work that I was doing with the</p> <p>9 team responsible for getting the content posted</p> <p>10 since we were not allowed to make those posts</p> <p>11 ourselves, to ensure that everything -- all the</p> <p>12 processes were followed before it gets pushed -- the</p> <p>13 final published version gets posted to the website.</p> <p>14 Q. Who made the last call on what the</p> <p>15 language in the security statement was going to be?</p> <p>16 MR. TURNER: Objection, foundation.</p> <p>17 A. Could you repeat the question, please?</p> <p>18 BY MR. TODOR:</p> <p>19 Q. Who made the last call on what the</p> <p>20 language in the security statement was going to be?</p> <p>21 A. As I described earlier, I think it was a</p> <p>22 collaboration -- it was a collaborative effort,</p> <p>23 right. I drafted it, I worked with the stakeholders</p> <p>24 and subject matter experts. It was reviewed -- peer</p> <p>25 reviewed, was reviewed by multiple and then, you</p> <p>160</p>

<p>1 Updated slides.</p> <p>2 Mr. Quitugua, I'd ask you to turn to the</p> <p>3 second page, appears to be a PowerPoint slide titled</p> <p>4 Major Project Portfolio.</p> <p>5 Did you play any role at SolarWinds in</p> <p>6 the collection of information for a major project</p> <p>7 portfolio presentation around this time?</p> <p>8 A. There may be security-specific slides in</p> <p>9 this presentation, but I'd have to -- you have to</p> <p>10 give me a few minutes to review.</p> <p>11 Q. Well, maybe I can help you. Can you turn</p> <p>12 to the one with Bates 42906. And this appears to be</p> <p>13 a slide titled Security Assessment and Remediation</p> <p>14 of the top -- appears to say DOIT lead, you; is that</p> <p>15 correct?</p> <p>16 A. Uh-huh.</p> <p>17 Q. Does that fresh your recollection as to</p> <p>18 whether you played any role in preparing this slide</p> <p>19 or something like it for this particular</p> <p>20 presentation?</p> <p>21 A. For this particular slide, yes.</p> <p>22 Q. What was your role?</p> <p>23 A. Again, let me look at the time frame.</p> <p>24 2018. If I recall, we were working through GDPR</p> <p>25 readiness and one of the tasks was to conduct a</p> <p style="text-align: center;">201</p>	<p>1 Q. You're saying it's either Rani Johnson or</p> <p>2 Tim Brown who decided that this was going to be the</p> <p>3 task and it got assigned to you?</p> <p>4 A. Yes.</p> <p>5 Q. Do you know why it was being</p> <p>6 assigned -- or why this was a task that SolarWinds</p> <p>7 was doing at this time?</p> <p>8 A. Again, what I can recall is that we were</p> <p>9 working through GDPR readiness. That's what I can</p> <p>10 recollect.</p> <p>11 Q. Do you know whether it was specifically</p> <p>12 tied to GDPR or was it a more general initiative?</p> <p>13 MR. TURNER: Objection, asked and</p> <p>14 answered.</p> <p>15 A. Again, my recollection is that we were in</p> <p>16 the middle -- or in the process of assessing our</p> <p>17 readiness for GDPR.</p> <p>18 BY MR. TODOR:</p> <p>19 Q. Next sentence says: Develop a risk</p> <p>20 register and provide security guidance as part of</p> <p>21 remediation efforts to prevent, detect and respond</p> <p>22 to cybersecurity attacks and comply with applicable</p> <p>23 regulations.</p> <p>24 Do you see that?</p> <p>25 A. I do see that.</p> <p style="text-align: center;">203</p>
<p>1 security assessment and remediation.</p> <p>2 Q. Had you done any security assessments or</p> <p>3 remediations outside of GDPR readiness at this time?</p> <p>4 MR. TURNER: Objection to form.</p> <p>5 A. You mean as part of the actual portfolio</p> <p>6 work that is in this exhibit?</p> <p>7 BY MR. TODOR:</p> <p>8 Q. As part of your job outside of this</p> <p>9 exhibit.</p> <p>10 A. Other than what we already had talked</p> <p>11 about earlier, this was -- this was the only other</p> <p>12 one I could think of.</p> <p>13 Q. Look at the description for the slide.</p> <p>14 It states: Conduct an enterprisewide security</p> <p>15 assessment of access control and security standards</p> <p>16 and guidelines using the NIST cybersecurity</p> <p>17 framework.</p> <p>18 Do you see that?</p> <p>19 A. (Nods head.)</p> <p>20 Q. Why were you doing that?</p> <p>21 A. First, yes, I do see that.</p> <p>22 Second, it was a -- this was a task that</p> <p>23 was generated, again, I don't recall who generated</p> <p>24 it, either Rani and/or Tim, but it was assigned to</p> <p>25 me as the lead to ensure that I followed through.</p> <p style="text-align: center;">202</p>	<p>1 Q. And was this, again, an objective that</p> <p>2 was come up with above you and was assigned to you</p> <p>3 to work on?</p> <p>4 A. Again, I don't recall the specifics</p> <p>5 around, you know, the scope of the actual task of</p> <p>6 the work. I took all my guidance for direct work</p> <p>7 from Tim Brown and Rani Johnson.</p> <p>8 Q. There's a budget figure of zero dollars</p> <p>9 listed for this.</p> <p>10 Is that consistent with your</p> <p>11 recollection?</p> <p>12 MR. TURNER: Objection to form.</p> <p>13 A. It does state zero across the columns</p> <p>14 there.</p> <p>15 BY MR. TODOR:</p> <p>16 Q. Did you get any funding to conduct an</p> <p>17 enterprisewide security assessment of access control</p> <p>18 and security standards and guidelines using the NIST</p> <p>19 cybersecurity frameworking?</p> <p>20 MR. TURNER: Object to form.</p> <p>21 A. I don't recall if we ever even needed</p> <p>22 funding to do the internal security -- or the</p> <p>23 assessment to accomplish this work.</p> <p>24 BY MR. TODOR:</p> <p>25 Q. Did you perform such an assessment in</p> <p style="text-align: center;">204</p>

<p>1 privileged and nonprivileged access. Probably 2 needed to end there. 3 Does that description sound accurate to 4 you? 5 MR. TURNER: Object to form. 6 A. As written in the description for the 7 actual project task itself? 8 BY MR. TODOR: 9 Q. Yes. 10 A. Right. I mean, that's what I understand 11 it to be. 12 Q. Does that match your understanding of 13 what the scope of your assignment was in terms of 14 the issue you were addressing? 15 A. It described the scope. 16 Q. Again, she seems to list a budget of zero 17 dollars. 18 Is that consistent with your 19 recollection? 20 MR. TURNER: Object to form. 21 A. Again, during this time period it may 22 not -- we would have done the assessment and if it 23 didn't cost external dollars to conduct it, like we 24 were going to do it ourselves, that's what we would 25 have put.</p> <p>217</p>	<p>1 Q. Do you have an understanding as to why 2 that's there? 3 A. Again, since this was a kind of a point 4 in time, that could have very well been raised as a 5 concern. I would expect that in phase 1 where it is 6 marked as complete, that there's a correlation 7 between that body of work and any addressing of the 8 issues, risks and dependencies. I can't sit here 9 today and tell you that that was a risk and concern 10 at that point in time because, again, there was work 11 to be done here before the next presentation. 12 Q. So I'm just talking about March 16, 2018. 13 A. Uh-huh. 14 Q. Was it considered to be an issue, risk 15 and dependency that the concept of least privilege 16 was not followed as a best practice within 17 SolarWinds? 18 MR. TURNER: Objection to form and 19 foundation. 20 A. The issue, risk and dependencies listed 21 here, doesn't indicate that it was a problem across 22 the organization. As part of the assessment, it may 23 have been found that a particular system wasn't 24 following the concept of least privilege. 25</p> <p>219</p>
<p>1 BY MR. TODOR: 2 Q. What resources would you have available 3 to assess your access management if you're not 4 spending additional dollars? 5 A. This really referenced external spending, 6 right. It didn't really address -- there was 7 no -- it was assigned to the security team, but they 8 didn't tie dollars to the internal security team 9 doing this work. This was intended to track 10 external budget -- 11 Q. Supply a new security tool, something 12 like that? 13 A. Hire a contractor or, right, a vendor. 14 That would have been reflected under the budget. 15 Q. This would be just if you're adding it to 16 your own internal to-do list, there wouldn't be an 17 extra external budget figure attached to it; is that 18 correct? 19 A. Right. 20 Q. Turn down to the issues, risks and 21 dependencies. Click the first one, it says: 22 Concept of least privilege not followed as a best 23 practice. 24 Do you see that? 25 A. I do.</p> <p>218</p>	<p>1 BY MR. TODOR: 2 Q. As we're sitting here today, do you 3 recall any particular instances within SolarWinds 4 that the concept of least privilege was not being 5 followed as a best practice as of this March 2018 6 time frame? 7 A. Not that I can distinctly recall. But 8 like I described earlier, we do have those kind of 9 defined steps to go through to identify, take in the 10 reports and then address and fix. 11 Q. Turning to the Action Required column, 12 appears to state: ID existing permission levels 13 within the enterprise. 14 Do you see that? 15 A. Uh-huh. Yes. 16 Q. Is that an action that you were in charge 17 of as of March 2018? 18 A. It would have been an action that we 19 worked collectively as a group in order to 20 accomplish this particular project task. 21 Q. And were you the lead on that particular 22 aspect of the task? 23 A. For that particular issue, risk and 24 dependencies, I don't recall if I was or not. 25 Q. Turn to the second description.</p> <p>220</p>

<p>1 Statement: Use of shared accounts throughout 2 internal and external applications. 3 Do you see that? What's your 4 understanding of what that issue is? 5 A. I'm trying to recall. I don't have a 6 recollection of what shared accounts in that 7 particular context meant. 8 Q. What is a shared account, based on your 9 knowledge, generally? 10 A. Generally it's an account that's shared. 11 Q. By more than one user within the 12 organization? 13 A. Not necessarily. 14 Q. Who would be sharing it? 15 A. A computer. 16 Q. Could you please explain what you mean by 17 that? 18 A. Yeah. So sometimes an account different 19 from a human account can be used by a computer to 20 perform its function. And that same service 21 account -- or account could be used in a different 22 computer, again, doing the same function to do its 23 job as well. 24 MR. TURNER: Hey, JJ, just flagging 25 that we're past the hour mark, so whenever you have</p> <p>221</p>	<p>1 process. 2 BY MR. TODOR: 3 Q. Turn to the second action required. 4 There's a statement: Work with teams to 5 decommission use of shared accounts. 6 Do you know what that means? 7 A. I mean, looking at the document again, it 8 says to work with teams to decommission accounts. 9 Q. What does decommission use of shared 10 accounts mean? 11 A. To basically disable the account or 12 separate the use of that account by multiple systems 13 or multiple people. 14 Q. And were you tasked with making sure that 15 happened? 16 A. Again, I was tasked to ensure that I 17 delivered the project. I worked with multiple 18 people. There could have been others on the team or 19 within the IT groups that were responsible for doing 20 that. 21 Q. Okay. 22 MR. TODOR: Counsel, we can take a 23 break now if you'd like. 24 MR. TURNER: Sure. Thank you. 25 THE VIDEOGRAPHER: Going off the</p> <p>223</p>
<p>1 a break coming up soon. 2 MR. TODOR: Sure. 3 BY MR. TODOR: 4 Q. To your knowledge, with respect to the 5 previous issue, who at SolarWinds would know whether 6 a particular system was not following a concept of 7 least privilege? 8 MR. TURNER: Objection to form. 9 A. Are you asking if there was one 10 individual that would -- I don't know if I -- I 11 don't understand the question. Could you please... 12 BY MR. TODOR: 13 Q. So who would be responsible for 14 identifying whether a particular system was 15 following a concept of least privilege? 16 MR. TURNER: Objection to form. 17 A. There would be multiple ways in which we 18 would identify or get -- get reports of, you know, 19 systems or applications or users not following. 20 BY MR. TODOR: 21 Q. Would Mr. Brown be in charge of that? 22 MR. TURNER: Objection to form and 23 asked and answered. 24 A. Again, there are multiple ways that we 25 would get it and we would follow the standardized</p> <p>222</p>	<p>1 record. Time is 3:18. 2 (Recess taken from 3:18 p.m. to 3 3:39 p.m.) 4 THE VIDEOGRAPHER: Back on the 5 record. Time is 3:39. 6 BY MR. TODOR: 7 Q. Welcome back, Mr. Quitugua. I believe we 8 were discussing the page with Bates 42907 in the 9 lower right. Are you still there? 10 A. Yes. 11 Q. Okay. I'll just draw your attention to 12 the key milestones and status list there, and just 13 ask, do you have an understanding as to how those 14 milestones were generated and... 15 A. I don't know if I understand the 16 question. Just kind of how were they laid out? 17 Q. Yeah. How was it decided that those 18 would be the milestones? 19 A. As part of all the project kickoffs, 20 there's, like, a discovery phase and then in the 21 discovery phase each of the different key dates or 22 milestones would be described, and then there was 23 some discussion on timing, right. So that's where 24 you see the start-to-finish dates in there. 25 Q. What role, if any, did you play in</p> <p>224</p>

1 time frame? You're pointing to a document that's
2 from November 30th, 2020, and SUNBURST was not
3 discovered until December 2020.

4 MR. TODOR: I wasn't asking about the
5 document at all.

6 MR. TURNER: I know. But he's
7 pointing to the document. It's not clear for the
8 record.

9 BY MR. TODOR:

10 Q. I don't want to confuse you with my
11 question.

12 A. Yes.

13 Q. Apart from the document, you said you
14 played a role in dealing with the incident response
15 for SUNBURST.

16 A. Uh-huh.

17 Q. Based on what you've learned from working
18 on that incident response, do you have an
19 understanding as to whether the vulnerability
20 utilized by the SUNBURST intruders related to
21 SolarWinds' access controls?

22 MR. TURNER: Objection to form.

23 A. During this time frame we would not have
24 known that as part of the security investigation.
25

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1 Q. The quarterly risk reviews that we looked
2 at a couple of those documents. I think it was the
3 last -- the first one after the break here. Do you
4 know, like, why they were being prepared within the
5 organization?

6 A. I can only speak to what I contributed to
7 for preparing the presentations.

8 Q. Do you know who in the organization would
9 have been the audience for those?

10 A. I don't have direct firsthand knowledge
11 of who all participated in the -- you know, the
12 higher level.

13 Q. Did you present at any of them?

14 A. During this time period?

15 Q. During the 2018 to 2020 time period.

16 A. I don't recall that I did.

17 Q. And after that -- you know, between 2020
18 and now, have you presented at any of those?

19 A. I do now in some cases.

20 MR. TODOR: Those are all the
21 questions I have for now.

22 MR. TURNER: Thank you.

23 EXAMINATION

24 BY MR. TURNER:

25 Q. Mr. Quitugua, I have a few questions for

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1 BY MR. TODOR:

2 Q. After you did the security investigation,
3 did you get an understanding as to whether the
4 vulnerability utilized by the SUNBURST intruders
5 related to SolarWinds' access controls?

6 MR. TURNER: Same objection.

7 A. I don't recall whether or not we came to
8 that conclusion.

9 BY MR. TODOR:

10 Q. After you did the security investigation,
11 did you get an understanding as to whether the
12 vulnerability utilized by the SUNBURST intruders
13 related to SolarWinds' administrative rights
14 practices?

15 MR. TURNER: Objection to form.

16 A. Again, to the extent of my responsibility
17 and my team's responsibility, all we did was
18 facilitate the security incident from start to
19 finish.

20 BY MR. TODOR:

21 Q. Turning back to these quarterly risk
22 review meetings. Do you know what the purpose
23 generally within the organization of having those
24 was?

25 A. I'm sorry, which ones?

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1 you. So the security statement, Exhibit 10, it went
2 live around January 2018.

3 Does that sound right?

4 A. I'm sorry, say that again.

5 Q. The security statement, Exhibit 10, do
6 you remember approximately when it was published on
7 SolarWinds' website?

8 A. It would have been around that same time
9 frame, yes.

10 Q. Early -- January 1, 2018?

11 A. It would have been, yes.

12 Q. Do you know whether -- well, the -- you
13 were asked some questions about the access control
14 section of the document. Remember that?

15 A. Yes.

16 Q. And the document talks about role-based
17 access controls, right?

18 A. I do recall.

19 Q. And is that right? The document talks
20 about role-based access controls; is that right?

21 A. That's right.

22 Q. And it also talks about the principle of
23 least privilege?

24 A. Yes, it does.

25 Q. So do you know whether role-based access

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<p>1 controls were implemented at SolarWinds as of 2 January 2018? 3 A. Yes, they were. 4 Q. Do you know whether they were in place 5 when you were initially hired? 6 A. Yes, they were. 7 Q. Do you know whether they've been in place 8 throughout your tenure? 9 A. They are. 10 Q. They have been? 11 A. They have been. 12 Q. As of January 2018, how were role-based 13 access controls implemented at SolarWinds? 14 A. They were implemented through user access 15 lists. 16 Q. What do you mean? 17 A. Active directory was the primary means of 18 which the user access lists were created. 19 Q. And I want to see if you can break it 20 down for us at a nontechnical level. Okay. So if I 21 was a starting employee in January 2018, how would 22 SolarWinds have ensured that the access granted to 23 me was based on my role and was set on a least 24 privilege basis? 25 MR. TODOR: Objection to form,</p> <p>325</p>	<p>1 BY MR. TURNER: 2 Q. So who would make the request for the 3 level of access I needed? 4 A. It would be the hiring manager. 5 Q. And who would receive the request? 6 A. The IT team would receive that request. 7 Q. And at a technical level, how would the 8 request be processed? 9 A. That request would be processed through 10 active directory group policy and group memberships. 11 Q. And what do you mean when you talk about 12 user access list or groups? 13 MR. TODOR: Objection, vague. 14 A. Could you repeat the question one more 15 time, please? 16 BY MR. TURNER: 17 Q. Yeah. You mentioned user access or 18 access control lists I think is the term you used. 19 What does that have to do with this process? 20 A. So say you were hired as a finance team 21 member, your account based on your hiring -- the 22 hiring manager's request for access would be added 23 to a very specific group for finance. If you were 24 in HR, you would be added to an HR group. And what 25 that did -- or does is it only grants you the least</p> <p>327</p>
<p>1 compound, vague. 2 BY MR. TURNER: 3 Q. You can answer. 4 A. A new hire -- or, yeah, when somebody's 5 hired to the company, that kicked off a SARF 6 process. That process defined what level of access 7 is granted to that new hire. 8 Q. And I want you to break it down step by 9 step what would have happened. I join the company. 10 What happens? How is it determined how much access 11 I need and how is that access provisioned? 12 A. You would be hired. That would trigger a 13 SARF request. That request would be approved by the 14 hiring manager. The hiring manager would send that 15 request to the IT team. 16 Q. What would the request say about what 17 level of access I needed? 18 MR. TODOR: Objection, form. 19 A. The SARF form described exactly what 20 level of access your job required of you. That 21 form -- the request then gets to the IT team, who is 22 responsible for creating the accounts and adding it 23 to the user access lists that were made -- or 24 managed through active directory. 25</p> <p>326</p>	<p>1 level of privilege that's required for you to do 2 your work. 3 Q. So you were shown earlier a couple of 4 e-mail chains involving a proposal from Robert 5 Krajcir. 6 Do you remember that? 7 A. Yes. 8 Q. Now, were you actively involved in 9 analyzing that proposal or is that something you 10 understood was analyzed by others? 11 MR. TODOR: Objection, leading. 12 A. Received the e-mail and really it wasn't 13 something that we actively worked ourselves. 14 BY MR. TURNER: 15 Q. Who is "we"? 16 A. The security team. 17 Q. Who did, if anyone, work it as far as you 18 understood? 19 A. It would have been under Brad Cline's 20 organization. 21 Q. So given that, do you remember much about 22 the details of the proposal? 23 A. Other than what was in the e-mail that 24 Robert sent, no. 25 Q. Do you remember analyzing whether the</p> <p>328</p>

<p>1 SolarWinds sometime after January 2020; is that 2 right?</p> <p>3 A. I do recall saying that, yes.</p> <p>4 Q. If the SEC were to assert in this case 5 that based on the fact that NAC was implemented 6 after January 2020, that SolarWinds lacked 7 role-based access controls before that time, would 8 that assertion be correct or incorrect?</p> <p>9 MR. TODOR: Objection, form, leading, 10 calls for legal conclusion.</p> <p>11 A. That would be incorrect.</p> <p>12 BY MR. TURNER:</p> <p>13 Q. If the SEC were to assert based on the 14 fact that NAC was implemented after January 2020, if 15 SolarWinds didn't follow the principle of least 16 privileged before that time, would that be correct 17 or incorrect, in your view?</p> <p>18 MR. TODOR: Same objections.</p> <p>19 A. In my view it would be incorrect.</p> <p>20 BY MR. TURNER:</p> <p>21 Q. The security statement also talks about 22 SolarWinds' best practices enforcing complex 23 passwords.</p> <p>24 Remember that?</p> <p>25 A. Yes.</p> <p>333</p>	<p>1 Q. How long ago were these documents from, 2 generally?</p> <p>3 MR. TODOR: Objection, form, vague.</p> <p>4 A. Several years. It's a lot of documents, 5 a lot of content.</p> <p>6 BY MR. TURNER:</p> <p>7 Q. You were shown a number from 2017, right?</p> <p>8 A. Yes.</p> <p>9 Q. 2018?</p> <p>10 A. Yes.</p> <p>11 Q. 2019?</p> <p>12 A. Uh-huh. Yes.</p> <p>13 Q. Five or more years ago?</p> <p>14 A. Yes.</p> <p>15 Q. How good is your memory of all the 16 details of various documents that you were sent five 17 years ago or more?</p> <p>18 MR. TODOR: Objection, form, leading.</p> <p>19 A. I mean, I participated in multiple 20 meetings, chats, presentations. I can't remember it 21 all. I'm trying to do my best, but I know I don't.</p> <p>22 BY MR. TURNER:</p> <p>23 Q. And the various notations you were shown, 24 did you write all those notations?</p> <p>25 A. Not to my recollection, no.</p> <p>335</p>
<p>1 Q. At the time the security statement was 2 published, did SolarWinds enforce complex passwords 3 on its IT network?</p> <p>4 MR. TODOR: Objection, form.</p> <p>5 A. It did enforce the password policy.</p> <p>6 BY MR. TURNER:</p> <p>7 Q. Has that been true throughout your tenure 8 at SolarWinds?</p> <p>9 A. It has been.</p> <p>10 Q. And at the time of January 2018, how did 11 SolarWinds enforce complex passwords on its IT 12 network?</p> <p>13 A. It was enforced through active directory 14 group policy.</p> <p>15 Q. And what do you mean exactly? How did 16 that work?</p> <p>17 A. That basically -- that technical policy 18 basically states that if you were to type in a 19 password that didn't meet its complexity and length 20 requirements, that you would not be allowed to 21 create that password.</p> <p>22 Q. You were shown a lot of notations in 23 slide decks and other documents today.</p> <p>24 You remember that?</p> <p>25 A. Yes.</p> <p>334</p>	<p>1 Q. Do you specifically remember reading them 2 at the time?</p> <p>3 A. I do not.</p> <p>4 Q. Do you remember all the context relating 5 to those notations sitting here today?</p> <p>6 A. No.</p> <p>7 Q. Do you remember, however, whether 8 SolarWinds had role-based access control throughout 9 the time of your employment at SolarWinds?</p> <p>10 MR. TODOR: Objection, form, asked 11 and answered.</p> <p>12 A. Yes, they were in place.</p> <p>13 BY MR. TURNER:</p> <p>14 Q. And do you remember whether SolarWinds 15 followed the principle of least privilege?</p> <p>16 A. Yes, they did follow the concept of least 17 privilege.</p> <p>18 MR. TURNER: No further questions.</p> <p>19 FURTHER EXAMINATION</p> <p>20 BY MR. TODOR:</p> <p>21 Q. One item. Mr. Quitugua, in your direct 22 examination you used a term "SARF." What does 23 "SARF" mean?</p> <p>24 A. I don't recall exactly what the acronym 25 stands for, but it's basically a request form</p> <p>336</p>

<p>1 submitted to kick off the account provisioning 2 process. 3 Q. To whom was the form submitted? 4 A. It was submitted -- IT eventually got the 5 form to process and created the accounts and set up 6 the level of access and level of permission. 7 Q. And was that Mr. Cline's group? 8 A. Yes, that would have been Mr. Cline's 9 group. 10 Q. Did the InfoSec group have any role with 11 respect to the setting of user privilege levels in 12 response to a SARF? 13 A. No, I don't recall that we had direct -- 14 a direct responsibility for, you know, adding that 15 content. What I can say is if there were -- if 16 there was an access that didn't meet the existing 17 roles that were defined, my team would have been 18 advised or consulted and said, you know, There's a 19 business justification for this, you know, could we 20 go ahead and document this access request. And 21 that's the extent of our involvement. 22 Q. Forgive me if I'm misremembering, but I 23 thought during my original examination of you I had 24 asked about when someone applies and then there'd be 25 permission levels set by an individual manager at</p> <p>337</p>	<p>1 uniform companywide or was there some variation? 2 A. I don't recall if there were a separate 3 process for that. 4 Q. Did some managers decide that some 5 employees would need more access than a manager in 6 another section might decide that an employee with 7 similar job duties might need? 8 MR. TURNER: Objection to form and 9 foundation. 10 A. The user access lists were already 11 predefined based on the user's role and job within 12 the organization. As I described earlier, if a 13 manager or individual requested additional levels of 14 access, that followed a very similar process where 15 the access would be reviewed, there was a business 16 justification, and once those were in place, then 17 the IT team would go ahead and, you know, create 18 that user privilege or user access. 19 BY MR. TODOR: 20 Q. You were asked some questions about the 21 e-mail from Mr. Krajcir in August of '18 and I 22 believe during your direct examination you were 23 asked questions with respect to his issue he raised 24 regarding full admin rights for users to have at 25 SolarWinds.</p> <p>339</p>
<p>1 SolarWinds. 2 Is that different from what you're 3 describing here with this SARF process? 4 A. Individual levels ascribed by the 5 manager? If I recall what we were talking about 6 previously, the hiring manager defined what roles 7 the new employee or their direct report needed 8 access to or, you know, what resources. 9 That determined what groups -- what user 10 access lists that new employee would be -- become a 11 member of. 12 Q. And then was that information sent to the 13 IT group for setting of the user privilege level or 14 nonprivilege level for that particular employee in 15 response to a SARF? 16 A. It would be sent to the IT to configure 17 the settings or add that account to the respective 18 groups that were already set in active directory. 19 Q. Did that process vary from group to group 20 within SolarWinds? 21 A. Could you describe -- I don't understand. 22 Q. From the 2018 to 2020 time frame, would 23 the process of a manager determining the privilege 24 level to be given to a given employee and sending it 25 to IT for them to set the privileges, was that</p> <p>338</p>	<p>1 Do you remember that testimony? 2 A. Yes. 3 Q. Were you concerned when Mr. Krajcir 4 raised that issue? 5 A. I don't recall during that time period 6 whether what he said raised to a level that would 7 warrant us to track it as a security incident. 8 Q. If you don't recall that time period, 9 whether what he said raised to a level that would 10 warrant you to track it as a security incident, why 11 did you go back to Mr. Brown in January of 2020 and 12 ask him to look at it again? 13 A. I was just doing my part. I was doing my 14 part to say, Hey, look, is it something that you 15 want me -- you want us to dig deeper in? And that's 16 really what the intent was. 17 Q. You were asked some questions about use 18 of active directory with respect to the password 19 policy during your direct. To your knowledge, was 20 there -- starting in the 2018 to 2020 time frame, 21 was there any audit done to see whether active 22 directory was being properly implemented at 23 SolarWinds? 24 MR. TURNER: Object to form. 25 A. I don't recall if there were any audits</p> <p>340</p>

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<p>1 or team, you know, triggered this alert and we would 2 dig in and find out the reason why. 3 Q. And when you say "we," what's that a 4 reference to? 5 A. That is a reference to the security team. 6 Q. Okay. And did that happen during the 7 2018 to '20 time frame? 8 A. Yes. 9 Q. And what was the purpose of having those 10 alerts in place? 11 A. So that we could detect any, you know, 12 triggers or issues that may arise -- 13 Q. More specifically, what was the purpose 14 of getting an alert about somebody getting more 15 privileges added to their account? 16 MR. TODOR: Objection, form. 17 A. So that we can -- 18 MR. TURNER: Leading. 19 A. So we could detect whether or not, you 20 know, the controls that were in place were 21 effective. 22 MR. TURNER: No further questions. 23 FURTHER EXAMINATION 24 BY MR. TODOR: 25 Q. Probably just have one more. You used</p> <p style="text-align: center;">345</p>	<p>1 REPORTER'S CERTIFICATION 2 I, Micheal A. Johnson, Registered Diplomat 3 Reporter and Notary Public in and for the State of 4 Texas, certify that on the 17th day of 5 September, 2024 I reported the Videotaped Deposition 6 of ERIC QUITUGUA, after the witness had first been 7 duly cautioned and sworn to testify under oath; said 8 deposition was subsequently transcribed by me and 9 under my supervision and contains a full, true and 10 complete transcription of the proceedings had at 11 said time and place; and that reading and signing 12 was not requested. 13 I further certify that I am neither counsel 14 for nor related to any party in this cause and am 15 not financially interested in its outcome. 16 GIVEN UNDER MY HAND AND SEAL of office on 17 this 23rd day of September, 2024. 18 19 20 MICHEAL A. JOHNSON, RDR, CRR 21 NCRA Registered Diplomat Reporter 22 NCRA Certified Realtime Reporter 23 24 Notary Public in and for the 25 State of Texas My Commission Expires: 8/8/2028</p> <p style="text-align: center;">347</p>
<p>1 the term "user access reviews." Who would do those 2 at SolarWinds? 3 A. I do know that it wasn't primarily done 4 by the security team. It was done by somebody in 5 Brad Cline's organization. 6 Q. Do you know why they would do those? 7 A. They would do it to review, again, like I 8 described earlier, whether or not the access that 9 was granted was still legitimate. 10 MR. TODOR: I have no further 11 questions. 12 MR. TURNER: Okay. Thanks. No 13 further questions from me. 14 THE VIDEOGRAPHER: This concludes 15 today's testimony of Eric Quitugua. Going off the 16 record. Time is 7:16. 17 (Deposition concluded at 7:16 p.m.) 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">346</p>	